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Paper No.

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## **COPY MAILED**

DEC **2 9** 2004

## **OFFICE OF PETITIONS**

In re Application of Gennadi Fedorov, Frederick Hadtke and Kiat-Cheong Toh Application No. 10/749,953 Filed: December 31, 2003 Attorney Docket No. ROSE ART-40087 Title: BOARD ASSEMBLY

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the "PETITION UNDER 37 CFR 1.47(a)," filed October 6, 2004 (certificate of mailing Monday, October 4, 2004).

The petition is **GRANTED**.

The above-identified application was filed on December 31, 2003, with an unexecuted declaration. Accordingly, on August 3, 2004, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, rule 47 applicants filed the instant petition (and fee); the late surcharge; and a declaration executed by joint inventors Hadtke and Toh on behalf of themselves and on behalf of non-signing joint inventor Fedorov. Rule 47 applicant maintains that status under 37 CFR 1.47 is proper because joint inventor Fedorov has refused to join in the application.

By statement of facts of patent attorney John Kim, and supporting documentary evidence, rule 47 applicants have shown that inventor Fedorov has, by his conduct, refused to join in the application. The petition includes the last known address of non-signing inventor Fedorov.

The declaration filed October 6, 2004, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application will be examined in Technology Center 3637 in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson Senior Patitions Attorney Office of Petitions